IN THE UNITED STATES DISTRICT COURT FASTERN DISTRICT FOR THE EASTERN DISTRICT OF TEXAS MAR 2

SHERMAN DIVISION

U.S. DISTRICT COURT TERN DISTRICT OF TEXAS MAR 2 3 2010

DORIS SIMS AND SUCCESSION

BUILDERS, LLC

Plaintiffs,

V.

CAUSE NO. 4:09CV372

MATTHEW GAY AND
BUILDING TOMORROW'S
TALENT, LLC

Defendants.

## MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 26, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss, or, in the Alternative, to Stay Pending Arbitration (Dkt. 9) be DENIED in part and GRANTED in part, that Defendants' Emergency Motion for Temporary Anti-Suit Injunction (Dkt. 28) be DENIED, that Defendants' Motion for Summary Judgment (Dkt. 21) be DENIED without prejudice, and that Plaintiffs' claims against Defendants be stayed until the ongoing arbitration has been completed.

The court, having made a *de novo* review of the objections raised by Plaintiffs, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiffs are without merit as to the recommended stay. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Defendants' Motion to Dismiss, or, in the Alternative, to Stay Pending Arbitration (Dkt. 9) is DENIED in part and GRANTED in part, Defendants' Emergency Motion for Temporary Anti-Suit Injunction (Dkt. 28) is DENIED, Defendants' Motion for Summary Judgment (Dkt. 21) is DENIED without prejudice, and Plaintiffs' claims against Defendants will be stayed until the ongoing arbitration has been completed, or until further order of the court.

IT IS SO ORDERED.

SIGNED this 23rd day of march, 2010.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE